

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOEL WALLENDER,	)Case No.: Case No. 3:05-cv-263-JKS
	)
Plaintiff,	)[PROPOSED]
	)ORDER RE: UNITED STATES' MOTION TO
vs.	)CORRECT AN INCORRECT FACTUAL
	)ASSUMPTION IN THE SUR-REPLY AT
UNITED STATES OF AMERICA,	)DOCKET 31
	)
Defendant.	)
_____	)

The United States has asked this court to "accept as true" certain facts contained in the February 16, 2007, Declaration of Glenn D. Zahn ("Zahn Declaration #2") submitted in support of the United States' Motion to Correct An Incorrect Factual Assumption in the Sur-reply at Docket 31 ("Motion to Correct"). The Motion to Correct and Zahn Declaration #2 have been submitted by the United States in the context of the United States' Motion to Dismiss All Claims ("Motion to Dismiss") in the above-captioned action. Accordingly, as the facts in question are disputed by the parties and subject to conflicting reasonable inferences and interpretations, and as the United States is the moving party in the underlying Motion to Dismiss, the United States' Motion to Correct is denied.

DATED: \_\_\_\_\_

\_\_\_\_\_  
James K. Singleton  
U.S. District Court Judge